

Message Text

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ACTION EUR-25

INFO OCT-01 ISO-00 SAJ-01 NIC-01 CIAE-00 DODE-00 PM-07

H-03 INR-11 L-03 NSAE-00 NSC-07 PA-04 RSC-01 PRS-01

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FM AMEMBASSY SOFIA

TO SECSTATE WASHDC 8335

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E.O. 11652: NA

TAGS: PINS, BU (SHPETER, HENRICH NATAN)

SUBJECT: SHPETER CASE

REF: SOFIA 1205 AND PREVIOUS

1. DURING AMBASSADOR'S PROTOCOL CALL ON MINISTER OF JUSTICE DASKALOVA SHE REVIEWED BULGARIAN SYSTEM OF JUSTICE, PROVIDING OCCASION FOR AMBASSADOR TO REMARK THAT WHILE WE UNDERSTOOD SHPETER CASE TO HAVE INVOLVED EXCEPTIONAL PROCEDURE ON GROUNDS OF NATIONAL SECURITY, DEPARTMENT OF STATE IS RECEIVING NUMEROUS INQUIRIES ABOUT THE CASE AND WE ARE PUZZLED ON HOW TO REPLY BECAUSE HIS PRECISE OFFENSE HAD NEVER BEEN MADE PUBLIC AND THERE ARE ALLEGATIONS THAT HE MIGHT HAVE BEEN SINGLED OUT FOR HARSH TREATMENT BECAUSE OF HIS ETHNIC BACKGROUND. WHILE THIS IS INTERNAL BULGARIAN MATTER, IT IS A FACT THAT AMERICAN PUBLIC AND CONGRESSIONAL OPINION ARE INTERESTED AND WE LACK INFORMATION WHICH WOULD ALLOW US TO RESPOND.

2. DASKALOVA BECAME VERY VOLUBLE AND STATED IT IS ABSOLUTELY FALSE THAT SHPETER HAD BEEN CONVICTED BY ANY EXCEPTIONAL PROCEDURE. MILITARY COURTS DO NOT HANDLE ESPIONAGE BY CIVILIANS. SHPETER HAD BEEN TRIED BY ORDINARY SOFIA DISTRICT COURT UNDER THE REGULAR
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BULGARIAN LEGAL CODE WHICH SHE SAID HAS VERY SPECIFIC

PROVISIONS REGARDING ESPIONAGE. WHAT MAKES THE CASE EXCEPTIONAL IS THAT ESPIONAGE CASES ARE EXCEEDINGLY RARE IN BULGARIA, THERE HAVING BEEN ONLY TWO MAJOR CASES IN RECENT YEARS (GEORGIEV SOME TEN TO TWELVE YEARS AGO AND SERAFOV SOME THREE YEARS AGO). FACT THAT SHPETER BELONGS TO A MINORITY COULD NOT POSSIBLE HAVE BEEN A FACTOR EITHER IN BRINGING HIM TO TRIAL OR IN THE SEVERITY OF HIS SENTENCE, THE LATTER BEING THE ONE PROVIDED FOR IN THE PENAL CODE. (INCIDENTALLY, SHE SAID NEITHER GEORGIEV NOR SERAFOV HAD JEWISH BACKGROUNDS.)

3. MINISTER WENT ON TO EXPOSTULATE THAT IN PROPORTION TO THE SIZE OF ITS JEWISH POPULATION, BULGARIA HAS PROBABLY THE LARGEST NUMBER OF JEWS IN LEADING GOVERNMENT POSITIONS IN COMPARISON TO ANY COUNTRY IN THIS PART OF THE WORLD, WHICH ALONE SHOULD SUFFICE TO STILL ACCUSATIONS OF ANTISEMITISM. BULGARIA'S RECORD OF JEWISH EMIGRATION IS ALSO ONE OF UNUSUAL LIBERALITY, WHICH ACCOUNTS FOR THE SMALLNESS OF THE PRESENT JEWISH COMMUNITY, FOUR-FIFTHS OF THEM HAVING DEPARTED SINCE WORLD WAR II. SHE SAID THAT IF SHE HAD REMARKED (TO AUSTRIAN AMBASSADOR) THAT MATTER WAS OUT OF HER HANDS IT WAS SOLELY BECAUSE THE COURTS ARE "INDEPENDENT OF THE MINISTRY OF JUSTICE" AND MATTER IS GOING TO SUPREME COURT "WHICH IN ANY CASE CAN NEVER INCREASE BUT ONLY REDUCE SENTENCE," IN ADDITION OF COURSE TO REVIEWING THE EVIDENCE BROUGHT BE THE GOVERNMENT AND APPROPRIATENESS OF THE PROCEDURES AND OF SENTENCE.

4. AS SHE HAD DONE WITH THE AUSTRIAN AMBASSADOR, DASKALOVA DWELLED AT SOME LENGTH ON EVIDENTIAL RULES IN CASES OF THIS SORT WHICH SHE CLAIMED ARE STRICTER THAN IN ANGLO-SAXON JUSTICE BECAUSE THERE IS NO SUCH THING AS PRIMA FACIE EVIDENCE AND GUILT NEEDS TO BE PROVED BY HARD EVIDENCE EVEN IF THE ACCUSED PLEADS GUILTY. SHE CLAIMED NOT TO KNOW WHEN APPEAL WOULD BE HEARD, EVEN MADE TELEPHONE CALL TO SUPREME COURT TO FIND OUT, AND FINALLY SAID SHE WOULD BE GLAD TO LET US KNOW THE DATE. (IT IS AUGUST 5, AS PREVIOUSLY REPORTED.) IN ANY CASE, SHE ADDED, RESULTS OF REVIEW BY SUPREME COURT STILL NEED TO BE REVIEWED IN TURN BY THE COUNCIL OF STATE.

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5. EMBASSY IS ASSEMBLING INFORMATION ON STATUS OF JEWISH COMMUNITY IN BULGARIA, AND IN THIS CONNECTION HAS INITIATED CONTACTS WITH FOREIGN MINISTRY WHICH IS RESPONSIBLE FOR COMMITTEE FOR THE ORTHODOX CHURCH AND RELIGIOUS CULTS (HOPING THEY WILL STEER US TOWARD EX-
PONENTS OF LOCAL JEWISH COMMUNITY WHO MIGHT SUFFER IF WE TRIED TO TAKE UP CONTACT DIRECTLY). RECEPTION WE

RECEIVED IN MFA WAS SIMILAR TO THAT IN MINISTRY OF
JUSTICE, I.E. THAT NO JEWISH PROBLEM EXISTS AND THAT
FOREIGN CLAIMS IN CONNECTION WITH SHPETER CASE REFLECT
ATTEMPT TO CREATE ONE ARTIFICIALLY IN EYES OF FOREIGN
OPINION. APPARENTLY SOME EMIGRATION FROM BULGARIA IS
CONTINUING, AND AT THE LEAST WE EXPECT TO HAVE FIGURES
ON THIS IN DUE COURSE.
HERZ

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